

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 183

(By Senator Love, et al)

PASSED April 5, 2005

In Effect from Passage

FILED

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Senate Bill No. 183

(BY SENATORS LOVE, SHARPE, WHITE, YODER,
HUNTER AND UNGER)

[Passed April 5, 2005; in effect from passage.]

AN ACT to amend and reenact §25-1-3a of the Code of West Virginia, 1931, as amended, relating to inmate accounts and property; and authorizing the warden of a correctional facility to allow an inmate to withdraw money from the inmate's mandatory savings account for the purpose of preparing the inmate for reentry into society.

Be it enacted by the Legislature of West Virginia:

That §25-1-3a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

§25-1-3a. Trustee accounts and funds, earnings and personal property of inmates.

- 1 (a) The Commissioner of Corrections is authorized to
- 2 establish at each institution under his or her jurisdiction

3 a "Trustee Fund". The warden or administrator of each
4 institution shall receive and take charge of the money and
5 personal property, as defined by policy, of all inmates in
6 his or her institution and all money or personal property,
7 as defined by policy, sent to the inmates or earned by the
8 inmates as compensation for work performed while they
9 are domiciled there. The warden or administrator shall
10 credit the money and earnings to the inmate entitled to it
11 and shall keep an accurate account of all the money and
12 personal property so received, which account is subject to
13 examination by the Commissioner of Corrections. The
14 warden or administrator shall deposit the moneys in one
15 or more responsible banks in accounts to be designated a
16 "Trustee Fund".

17 (b) For all inmates, except those serving life without
18 mercy and those the warden determines are likely to serve
19 the remainder of their natural lives in the custody of the
20 Division of Corrections due to their age and the length of
21 their sentences, the warden or administrator shall keep in
22 an account at least ten percent of all money earned during
23 the inmate's incarceration and pay the money to the
24 inmate at the time of the inmate's release. The warden
25 may authorize the inmate to withdraw money from his or
26 her mandatory savings for the purpose of preparing the
27 inmate for reentry into society.

28 (c) The Commissioner of Corrections may direct that
29 offenders who work in community work programs, includ-
30 ing work release inmates who have obtained employment,
31 make reimbursement to the state toward the cost of his or
32 her incarceration.

33 (d)(1) Prior to ordering an incarcerated offender to make
34 reimbursement toward the costs of his or her incarcera-
35 tion, the Commissioner, or his or her designee, shall
36 consider the following:

37 (A) The offender's ability to pay;

38 (B) The nature and extent of the offender's responsibili-
39 ties to his or her dependents, if any;

40 (C) The length of probable incarceration under the
41 court's sentence; and

42 (D) The effect, if any, that reimbursement might have on
43 the offender's rehabilitation.

44 (2) No order of reimbursement entered pursuant to this
45 section may exceed five hundred dollars per month unless
46 the offender gives his or her express consent.

47 (3) The Commissioner of Corrections shall, prior to the
48 beginning of each fiscal year, prepare a report that details
49 the average cost per inmate incurred by the Division for
50 the care and supervision of those individuals in his or her
51 custody.

52 (e) The chief executive officer of any correctional
53 institution, on request of an inmate, may expend up to one
54 half of the money earned by the inmate on behalf of the
55 family of the inmate if the ten percent mandatory savings
56 has first been set aside and other fees owed by the inmate
57 have been paid. The remainder of the money earned, after
58 deducting amounts expended as authorized, shall be
59 accumulated to the credit of the inmate and be paid to the
60 inmate at times as may be prescribed by rules. The funds
61 so accumulated on behalf of inmates shall be held by the
62 chief executive officer of each institution under a bond
63 approved by the Attorney General.

64 (f) The warden or administrator shall deliver to the
65 inmate at the time he or she leaves the institution, or as
66 soon as practicable after departure, all personal property,
67 moneys and earnings then credited to the inmate, or in
68 case of the death of the inmate before authorized release
69 from the institution, the warden or administrator shall
70 deliver the property to the inmate's personal representa-
71 tive. In case a conservator is appointed for the inmate
72 while he or she is domiciled at the institution, the warden

73 or administrator shall deliver to the conservator, upon
74 proper demand, all moneys and personal property belong-
75 ing to the inmate that are in the custody of the warden or
76 administrator.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White
.....
Chairman Senate Committee

W. Reed Berry
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell Holmes
.....
Clerk of the Senate

Bruce D. Sord
.....
Clerk of the House of Delegates

Carl Ray Komblin
.....
President of the Senate

Robert S. Siss
.....
Speaker House of Delegates

The within *is approved* this the *19th*
Day of *April* 2005.

[Signature]
.....
Governor

**PRESENTED TO THE
GOVERNOR**

Date 4/13/05

Time 10:50 am